

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOSEPH J. MORRIS, on behalf of himself and  
all others similarly situated,

Plaintiffs,

vs.

R.A. POPP ENTERPRISES, INC. d/b/a  
WHEATFIELDS EATERY AND BAKERY,  
RONALD POPP, RUTH ANN POPP, KAREN  
POPP, and ANDREW POPP,

Defendants.

Civil Action No. 8:11-cv-263

**MOTION TO CERTIFY  
COLLECTIVE ACTION**

**COMES NOW**, Plaintiff Joseph J. Morris, by and through his undersigned counsel, and moves this court for an Order: (1) conditionally certifying a class of all formerly and/or presently employed by Defendant R.A. Popp Enterprises, Inc. d/b/a Wheatfields Eatery and Bakery (“Wheatfields”) as waitstaff from August 2, 2008 to the present time; (2) approving plaintiff’s proposed Notice of Lawsuit for mailing to potential opt-in plaintiffs, (3) and directing defendants to provide information regarding the potential opt-in plaintiffs; (4) approving the mailing, posting, and electronic publishing of notice to all putative class members.

Dated this 28th day of November, 2011.

JOSEPH J. MORRIS, Plaintiff

BY: s/ Kelly K. Brandon  
Kelly K. Brandon, #20734  
Dyer Law, PC, LLO  
10730 Pacific Street, Suite 111  
Omaha, NE 68114  
Phone (402) 393-7529  
Fax (402) 391-2289  
[kelly@dyerlaw.com](mailto:kelly@dyerlaw.com)

and

Louis Pechman, #6395  
Berke-Weiss and Pechman LLP  
488 Madison Avenue, 11th Floor  
New York, NY 10022  
Phone (212) 583-9500  
Fax (212) 308-8582  
[pechman@bwp-law.com](mailto:pechman@bwp-law.com)

*Attorneys for Plaintiff and  
the FLSA Collective*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 28th day of November, 2011, I electronically filed the foregoing Motion to Certify Collective Action with the Clerk of the Court using the CM\ECF system which sent notification of such filing to all CM\ECF participants.

s/ Kelly K. Brandon